

PATENT
Atty Docket 066603.0123

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

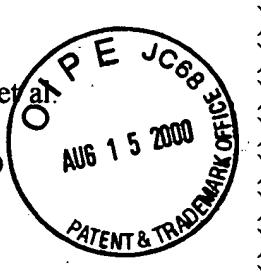
In re Patent Application of:

Scott A. MOSKOWITZ et al.

Application Number: 09/545,589

Filed: April 7, 2000

For: METHOD AND SYSTEM FOR DIGITAL
WATERMARKING



) Attention: BOX MISSING PARTS

PETITION UNDER 37 CFR §1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Wistaria Trading, Inc., assignee of the rights to the identified application, hereby petitions the Commissioner to permit the filing of the present application under 37 C.F.R. §1.47(a) on the basis that one of the joint inventors, Marc Cooperman refuses to join in the application.

An affidavit of Floyd B. Chapman outlining the efforts that were made to secure Mr. Cooperman's signature on a declaration for the above-referenced patent application is submitted in support of this Petition. Mr. Cooperman has moved from his last known address, and no current residence address is known.

A current business address is known for Mr. Cooperman, and so, communications have been sent to the business address. A declaration has been sent to Mr. Cooperman and he was requested to sign the document. Mr. Cooperman responded but did not state whether he would execute the

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documents.

Scott Moskowitz, Mr. Cooperman's co-inventor, assigned his rights to the pending application to Wistaria Trading, Inc. Moreover, Mr. Cooperman signed an employment agreement during his employment with The Dice Company, agreeing to assign all rights to inventions made while an employee to his employer. The benefits of that employment agreement were assigned to Wistaria Trading, Inc. Hence, Mr. Cooperman is under an obligation to assign his rights to Wistaria Trading, Inc.

Currently, Mr. Cooperman is in litigation with his co-inventor Mr. Scott Moskowitz. When Mr. Cooperman did not sign the documents as required by his employment agreement, Mr. Cooperman was advised to consult an attorney and to have his attorney contact counsel for Wistaria Trading, Inc. Neither Mr. Cooperman nor his attorney has contacted counsel for Wistaria Trading, Inc. It is believed that Mr. Cooperman will not cooperate with Wistaria Trading, Inc., in this matter.

Wistaria Trading, Inc., submits that Mr. Cooperman's actions constitute a refusal to sign the application in accordance with 37 C.F.R. §1.47(a). In order to respond to the outstanding Notice to File Missing Parts, Wistaria Trading, Inc., believes that filing this petition is necessary to prevent a potential loss of rights.

Though Mr. Cooperman's last known residence is 2929 Ramona, Palo Alto, California 94308, the complaint filed by Mr. Cooperman in January 2000 stated that Mr. Cooperman resides in Maplewood, New Jersey. No residence address is known. Mr. Cooperman's business address is Jumpstart Technologies, Inc., 251 E. 32nd Street, Suite 6D, New York, NY 10016-6304 (Phone: 212 684-2990/ FAX: 413 793-5859).

U.S. Appl. No. 09/2281,279
Applicant: Scott A. MOSKOWITZ et al.

Submitted herewith are a copy of the Joint Declaration signed by Scott Moskowitz and the Declaration of Floyd B. Chapman stating the facts surrounding the non-signature of Mr. Cooperman for above-referenced patent application.

A check in the amount of \$130.00 is enclosed to cover the fee required under 37 C.F.R. §§ 1.47(a) and 1.17(h). If any variance exists between the amount enclosed and the amount due, please charge applicant's representative's Deposit Account No. 02-0375.

Respectfully submitted,

BAKER BOTTS, L.L.P.

Dated: August 15, 2000

By:



Floyd B. Chapman
Floyd B. Chapman
Registration No. 40,555

Baker Botts, L.L.P.
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2400
Telephone: (202) 639-7700
Facsimile: (202) 639-7890